

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

FRANCIS S. MATRIOUS.,

Petitioner,

ORDER

v.

15-cv-652-wmc
04-cr-104-wmc

UNITED STATES OF AMERICA,

Respondent.

Petitioner Francis Matrious, by counsel, seeks resentencing under 28 U.S.C. § 2255 in light of the United States Supreme Court's recent holding in *United States v. Johnson*, 135 S. Ct. 2551 (2015), which held that the residual clause in the Armed Career Criminal Act ("ACCA"), 18 U.S.C. § 924(e)(2)(B), violates the due process clause of the Fifth Amendment.

This is petitioner's first § 2255 motion, and the motion is timely under § 2255(f)(3), which provides a one-year statute of limitation from the date the Supreme Court recognizes a new rule of constitutional law. Petitioner indicates that this motion is unopposed, and that Assistant United States Attorney Davis Reinhard agrees that he is entitled to relief. The parties have stipulated to a time-served sentence of 54 months, as well as a reduction in the period of supervised release from five years to three years, pursuant to 18 U.S.C. § 3583(b)(2). Accordingly, petitioner's motion will be granted.

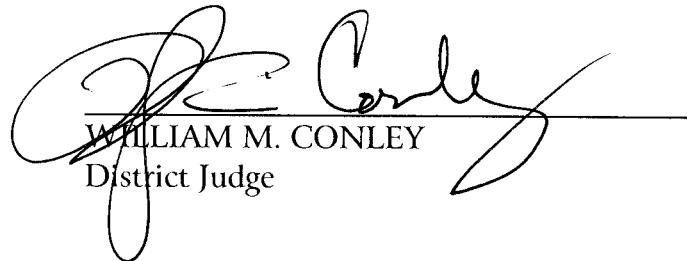
ORDER

IT IS ORDERED that the Unopposed Petition to Vacate Sentence Under 28 U.S.C.

§ 2255 and Impose a Stipulated Sentence is GRANTED. The court shall impose the stipulated sentence of 54 months, which amounts to time served, as well as a stipulated reduction in the period of supervised release to three years.

Entered this 13th day of October, 2015.

BY THE COURT:



WILLIAM M. CONLEY
District Judge